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| APPLICATION NO.                           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/037,490                                | 12/28/2001  | Bernd Clauberg       | US010726            | 6482             |
| 24737                                     | 7590        | 04/26/2004           | EXAMINER            |                  |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS |             |                      | DINH, TRINH VO      |                  |
| P.O. BOX 3001                             |             |                      | ART UNIT            | PAPER NUMBER     |
| BRIARCLIFF MANOR, NY 10510                |             |                      | 2821                |                  |

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/037,490

**Applicant(s)**

CLAUBERG ET AL.

**Examiner**

Trinh Vo Dinh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed 01/05/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-21 is/are allowed.
- 6) ☒ Claim(s) 11, 12, 22-24, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 13-14 and 25-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/27/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Applicant's communication filed on 01/05/2004 has been carefully considered by the examiner. The arguments advanced therein are persuasive with respect to the rejections of record, and those rejections are accordingly withdrawn. Accordingly, the rejections of claims 11-12, 22-24 and 29-30 have been withdrawn. However, in view of a further consideration, a new is set forth below. This action is not made final.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 11-12, 22-23 and 29 are rejected under 35 U.S.C. 102(a) as being anticipated by Bockle et al (DE 10013207 A1) submitted by the Applicant.

Note that DE 10013207 A1 is a Foreign Application Priority Document of the US 2003/0043611 A1. Therefore, US 2003/0043611 A1 has been used as a translation for DE 10013207 in the below rejection.

With respect to claims 11, 22 and 29, Bockle discloses a LED array (D1, D2) having an anti-parallel configuration (Fig. 1), an inverter (US 2003/0043611 in abstract or paragraph [0025]) operable to provide an AC voltage, a first resonant impedance circuit (L1, C3 or

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paragraph [0026]) including a first resonant inductor (L1) and a first resonant capacitor (C3) connected to the first LED array in a first series resonant, series loaded configuration having the first resonant inductor (L1) connected in series to the inverter, and the first resonant capacitor (C3) connected in series between the first resonant inductor and the LED array, wherein the first resonant impedance circuit includes means (L1, C3) for directing a first flow of a first AC through the first LED array in response to the alternating voltage having a first polarity and directing a second flow of the first AC through the first LED array in response to the alternating voltage having a second polarity.

With respect to claims 12 and 23, Bockle further discloses, in Fig. 1, the first LED array including at least one of a LED pair (D1, D2), a pair of LED strings or a LED matrix.

3. Claims 22-23 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Nerone (USP 6,411,045 B1, the prior art of record).

With respect to claims 22 and 29, Nerone discloses a LED array (165) having an anti-parallel configuration (Fig. 1), an inverter (120, 125) operable to provide an AC voltage, a first impedance circuit (150, 160) connected to the first LED array in a first series resonant, series loaded configuration having the first resonant impedance circuit (150, 160) in series between the inverter (120, 125) and the first LED array (165) wherein the first resonant impedance circuit includes means (Fig. 1) for directing a first flow of a first AC through the first LED array in response to the alternating voltage having a first polarity and directing a second flow of the first AC through the first LED array in response to the alternating voltage having a second polarity (col. 3, lines 15-35).

With respect to claim 23, Nerone further discloses, in Fig. 1, the first LED array including at least one of a LED pair (170, 175), a pair of LED strings or a LED matrix.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bockle (DE 10013207 A1) in view of Reymond (WO 01/01385 A1, the prior art of record).

Bockle discloses every feature of the claim invention except a switch operable to control an alternating current through the LED array. Reymond discloses, in Fig. 4, LED array (32a, 32b) including a switch (36) operable to control a flow of an alternating current through the LED array. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the switch of Reymond to Bockle's light emitting device in order to control lighting states of the LED array.

***Allowable Subject Matter***

6. Claims 15-21 are presently allowed.

7. Claims 13-14 and 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The cited art of record fails to teach the first resonant circuit having a second resonant capacitor connected to in series between the first resonant inductor and a second LED array as defined in claim 13, or a first capacitor array connected in series between the first resonant inductor and the first LED inverter as defined in claim 15, or the first resonant impedance circuit/the second impedance circuit including means for directing a third flow of a second AC through the second LED array in response to the alternating voltage having a first polarity and directing a fourth flow of the second AC through the second LED array in response to the alternating voltage having a second polarity as defined in claims 25 and 27.

#### *Inquiry*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Vo Dinh whose telephone number is (571) 272-1821. The examiner can normally be reached on Monday to Friday from 9:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong, can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Trinh Vo Dinh', with a long horizontal flourish extending to the right.

*Trinh Vo Dinh*  
April 20, 2004